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# JESSE KREMER

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STATE REPRESENTATIVE • 59<sup>TH</sup> ASSEMBLY DISTRICT

**TO:** All Legislators  
**FROM:** Representative Jesse Kremer and Senator Steve Nass  
**DATE:** December 22, 2015  
**RE:** Co-Sponsorship of LRB 4158/1, relating to the seasonal placement of a Christmas tree in the capitol rotunda or in a church.

**DEADLINE:** *Wednesday, December 30, 2015*

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Since March 2008, Wisconsin has adhered to the National Fire Protection Association (NFPA) fire code, which sets standards for fire safety and property protection in new and existing buildings. Upon DSPS' adoption of the code, there was a great deal of concern among fire chiefs regarding a prohibition of natural cut Christmas trees in places of assembly, particularly in churches (NFPA 1, Section 10.14; SPS 314.10 (3)). Governor Doyle stated "In churches, you can have Christmas trees," and urged, along with Senate Majority Leader Russ Decker and four other Senate Democrats for clarification of the new code to be issued. In a letter to state fire chiefs, the Department of Commerce pointed out that although the code does prohibit Christmas trees in places of assembly, another portion of the code states "limited quantities of combustible vegetation shall be permitted where the AHJ (authority having jurisdiction) determines that adequate safeguards are provided."

Some communities, like Milwaukee and Merrill, have presumed that natural cut Christmas trees are permissible until a complaint is received. These communities have provided written guidance regarding safeguards that must be followed. However, some fire chiefs in smaller communities are imposing a flat out ban on natural cut trees with little to no explanation.

Current fire code leaves the final decision — to allow or disallow natural Christmas trees in churches — to the discretion of the local fire authority. LRB 4158 would create a presumption that a tree is safe until proven otherwise, whether in a place of worship or in the Wisconsin State Capitol. If you would like to co-sponsor this bill, please reply to this email or call Rep. Kremer's office at 6-9175 by December 30 at 4 p.m.

***Analysis by the Legislative Reference Bureau***

*This bill prohibits the Department of Safety and Professional Services from promulgating or enforcing a rule, and prohibits a city, village, or town from enacting or enforcing an ordinance, related to fire safety that prohibits the seasonal placement of a Christmas tree in the rotunda of the state capitol building or in a church. This bill also creates a presumption applicable to fire safety inspections that the seasonal placement of a Christmas tree in the rotunda of the state capitol building or in a church is not a fire hazard.*